

REJECTION UNDER 35 U.S.C. § 102

Claims 1-74 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Anderson et al. (U.S. Pat. No. 5,657,007). This rejection is respectfully traversed.

At the outset, Applicant respectfully directs the Examiner's attention to MPEP § 2131, which states that " '[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). 'The identical invention must be shown in complete detail as is contained in the . . . claim.' *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)." (MPEP §2131, emphasis added).

With particular reference to the most recent Office Action and the 74 pending claims, the Examiner merely stated *in toto* that Anderson et al. includes "1) the claimed part supporting structure, communications device being located entirely within the structure is met by the dumpster alarm system (see: columns 3-4, lines 26-59)." (Page 2, Office Action). The Examiner has provided no other description or clarification as to where the hundred of other limitations contained in Applicant's claims are either expressly or inherently described in Anderson et al., in contradiction with the practices laid out by the MPEP.

Despite the Examiner's reluctance to provide any discussion as to where one might find the elements as claimed in the teachings of Anderson, it is clear that Anderson et al. fails to teach or suggest the claimed invention of the present application. That is, Anderson et al. fails to teach "each and every element" set forth in the claims,

thereby failing to qualify as a proper 102(b) reference. Although there are literally more than a hundred examples of elements claimed in the present application, which can not be found in the teachings of Anderson et al., the following represents merely some examples of such. Anderson et al. fails to teach or suggest "a part supporting structure and a communication device, the communication device being located entirely within the structure and prevented from external physical observation." (independent Claim 1). In fact, the alarm of Anderson is clearly shown from the exterior of the dumpster. Anderson et al. fails to teach or suggest "a first sheet of polymeric material; . . . a second sheet of polymeric material permanently attached to the first sheet; and an electrical communications device entirely located between the sheets." (independent Claim 11). In addition to the above shortcomings, Anderson is completely silent with regard to a pair of polymeric sheet with a communication device located entirely between them. Anderson et al. fails to teach or suggest "pallet made of a recyclable thermoplastic material, and an electrical communications device located inside of the pallet and being substantially prevented from physical external exposure." (independent Claim 23). Anderson et al. fails to teach or suggest "an article carrier made of a polymeric material; and a radio frequency interrogator entirely located within the carrier, the interrogator being operable to read signals transmitted externally from the carrier." (independent Claim 32). More examples of elements not taught by Anderson et al. can be found in EVERY independent claim of the present application and, additionally, in EVERY dependent claim. However, in the interest of brevity, these examples will not be recited herein.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdrawal the present rejection in light of the fact that Anderson et al. fails to teach or suggest each and every element of the claimed invention. Applicant respectfully submits that the present application is in condition for allowance. However, if the Examiner elects to maintain the instant rejection, Applicant respectfully requests the Examiner to specifically identify, with reference number, each and every element recited in the present claims that are found in Anderson et al.

CONCLUSION


It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: FEBRUARY 19, 2003

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